IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 60 of 2003

Between:

Moghal Educational Society, rep. By its President,

Mirza Ahmed Baig S/o. M.M.Hussain Baig,
R/o.Flat No. 104, Mass Towers, Farah Colony, Saidabad, Hyderabad

..... PETITIONER

AND

1 The Vice Chairman,
Hyderabad Urban Development Authority, 1-8-323, Paigah Palace,
Police lines, Secundrabad-500 003
2 The Special Officer and Competent
Authority, Urban Land Ceiling, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or orders or Writ more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No.1 in rejecting the application for conversion of the land use from conservation use zone to institutional use zone vide Lr.No.5595/MP1/ H/2002-B dated 14/11/2002 is illegal arbitrary, contrary to law and consequently direct the Respondent No.1 to Society for change of land use without insisting for No Objection Certificate or final orders as mentioned in Respondent No.1 letter dated 22/10/2002.

Counsel for the Petitioner: MR.P.BADRI PREMNATH

Counsel for the Respondent No.: GP FOR ASSIGNMENT

The Court made the following:

ORDER:

The petitioner–Moghal Educational Society questions the letter dated 22.10.2002 of the first respondent directing the petitioner to get no objection certificate from the 2nd respondent as the petitioner is having excess land in permissible Urban Land Ceiling limits and final order of the Special Officer, ULC as the vendors of the society case is recommended by the Chief Commissioner of Land Administration, for considering the application of the petitioner for conversion of the land use.

It is stated that the petitioner is a registered society and the land purchased by the petitioner is an extent of Ac.12.00 situated at peripheral areas of Hyderabad Urban Agglomeration and, therefore, the provisions of Urban Land (Ceiling and Regulation) Act, 1976 (hereinafter referred to as 'the Act') have no application as the peripheral areas are exempted as per orders in G.O.Ms.No.733 dated 31.10.1988 read with G.O.Ms.No.289 dated 1.6.1989 issued under Section 29 of the Act. Therefore, the petitioner has applied to the first respondent to change land use from conservation use zone to institutional use zone. But the first respondent has issued the impugned letter dated 22.10.2002.

Though several contentions have been raised in the writ petition, the learned counsel appearing for the petitioner submits that pursuant to the said impugned letter dated 22.10.2002 of the first respondent, the petitioner has filed an application dated 24.10.2002 before the 2nd respondent for issuance of no objection certificate and U.L.C clearance for conversion of land use from conservation use zone to institutional use zone for the purpose of granting permission for establishing a college.

Admittedly, the said application dated 24.10.2002 filed by the petitioner before the 2nd respondent has not yet been disposed of. Therefore, without going into the rival contentions of the petitioner as well as the respondents, I am of opinion that it is just and proper to give a direction to the 2nd respondent to consider and dispose of the application dated 24.10.2002 filed by the petitioner. Accordingly, the 2nd respondent is directed to consider and dispose of the application dated 24.10.2002 filed by the petitioner for grant of no objection certificate after conducting necessary enquiry and after giving reasonable opportunity to the petitioner in accordance with law within a period of eight weeks from the date of receipt of this order.

The writ petition is, accordingly, disposed of. No order as to costs.

(V.ESWARAIAH, J.)

29.3.2005

kpr

To

1 The Vice Chairman,
Hyderabad Urban Development Authority, 1-8-323, Paigah Palace,
Police lines, Secundrabad-500 003
2 The Special Officer and Competent
Authority, Urban Land Ceiling, Hyderabad

3. 2 copies to the Govt. Pleader for Assignment, High Court Buildings,

Hyderabad.

4. 2 C.D. copies